

# *Lewis County Planning Commission* *Public Hearing*

Lewis County Courthouse  
Commissioners' Hearing Room - 2nd Floor  
351 NW North St - Chehalis, WA

## **March 8, 2016 - Meeting Notes**

**Planning Commissioners Present:** Russ Prior, District 3; Bob Whannell, District 3; Mike Mahoney, District 1; Stephen Hueffed, District 2; Leslie Myers, District 1

**Planning Commissioners Excused:** Jeff Millman, District 2; Sue Rosbach, District 2

**Staff Present:** Lee Napier, Community Development Director; Glenn Carter, Civil Deputy Prosecuting Attorney; Dianne Dorey, Lewis County Assessor; Fred Evander, Senior Planner; Brianna Tietzel; Pat Anderson

**Others Present:** Please see sign in sheet

### **Handouts/Materials Used:**

- Agenda
- Meeting Notes
- Memo from Dianne Dorey
- Staff Report
- Open Space Applications
- Proposed Changes to Administrative Code Titles 16 and 17

### **1. Call to Order**

Chairman Mahoney called the meeting to order at 6:02 p.m. The Commissioners introduced themselves.

### **2. Approval of Agenda**

The agenda was approved as presented.

### **3. Approval of Meeting Notes**

There were no changes to the meeting notes from February 23, 2016. The Chair entertained a motion to approve. The motion was made by Commissioner Whannell; seconded by Commissioner Prior. The motion carried.

### **4. Old Business**

#### **A. Public Hearing on Open Space Applications**

Ms. Dorey explained the process for tax relief on properties, starting with the Public Benefit Rating System (PBRs) committee meeting and reviewing each application. The committee assigns points based on the application and what the applicant is asking for. Each point is a deduction off of their market value resulting in a lower value. There were three applications: two for open space farm and agricultural conservation, and one for open space open space. Ms. Dorey stated the points are

determined by a scoring tool and adopted by County ordinance. One application received 30% reduction; one received 40% reduction; and one received 80% reduction.

Ms. Dorey concluded her presentation and Chairman Mahoney asked for questions from the Planning Commissioners. There were none. Chair Mahoney asked Commissioner Myers, who was on the PBRs committee, for comments. Commissioner Myers stated the applications were fairly standard and they were all unanimously voted on by the committee.

Chair Mahoney opened the hearing for public comment. There were no public comments and the Chair closed the public hearing. Ms. Dorey asked that her comments would become part of the record.

A motion was made by Commissioner Whannell; seconded by Commissioner Myers to forward the Letter of Transmittal on Open Space to the BOCC. The motion carried unanimously.

#### B. Workshop on Proposed Changes to the Administrative Code

Mr. Evander stated the document before the Planning Commission is the same as the last one; the red line proposed changes have been eliminated for easier reading. He received some thoughts about the time limit language and distributed a draft on those thoughts, which would be discussed later. He asked for thoughts on other parts of the code from the Commission. Chairman Mahoney asked if there were significant changes that needed reviewing. Mr. Evander stated 17.05 had the most changes and all have been discussed. He reminded the Commission that the reason for the recommended changes is because currently there are a number of administrative provisions scattered throughout the code; there are 17 ways to appeal a land use decision. Staff wanted to consolidate all of this type of thing into one place. 17.05 guides people on submitting an application for various types of land use actions and how to get to successful completion of that application.

Mr. Evander stated the 17.20 section, Master Plans, also has several changes. He called attention to 17.20A and 17.20E. Currently those are processed as a joint public hearing between the Planning Commission and the Hearing Examiner. The Hearing Examiner is considering the merits of the proposal, and the Planning Commission are considering the merits of a Comprehensive Plan amendment. Those two things are very different and they create a complicated hearing. Staff is proposing that the Planning Commission is considering any development regulation changes that will need to occur to accommodate that proposal, as well as consider any comprehensive plan changes to accommodate that proposal. At that point the Hearing Examiner will consider the merits of the proposal itself. It will become a two-step process.

Chairman Mahoney asked Ms. Napier if there was something that the Community Development had that lists possible things to think about when applying for a permit, such as road access, water/sewer, etc. Ms. Napier stated that is the function of the Permit Technicians. When an applicant comes in there is a person to talk to and remind the applicant of what is needed. There are also handouts and checklists to hand out. There are a variety of ways to communicate to the customer.

Mr. Mark Spogen asked to comment on Ms. Napier's statement. He did not think applying for a permit was any easier now than some years ago. He stated everything was adversarial. He believed there should be some public input into the process.

Chairman Mahoney stated what is being considered is changing some language to make the permitting processes clearer and eliminating some of the redundancy. Regarding Mr. Spogen's comments, Chair Mahoney encouraged him to write down what he experienced so Ms. Napier could address them. Mr. Spogen could also make an appointment to speak to Ms. Napier directly.

Commissioner Prior referred to the highlighted section on page 66, stating he was concerned about a landowner with two parcels, a large one and a small one. He wants to do something on the small parcel and this clause tells him that he needs to include the large parcel in the noticing requirements, even if it is not a part of the project. Mr. Evander stated it is highlighted because it was brought up as a concern at a previous meeting but consensus was not reached on how to handle it. Commissioner Prior stated there is an issue with the gravity of the project. If it is a very large project, like a land fill, then the noticing should be large. If it is a simple subdivision, it does not have to be large. The issue for Commissioner Prior is that noticing requirements may not be able to be simple based on the scope of the project.

Discussion followed. Mr. Evander stated if a project is at the end of a long, dead end road, it would make sense to post a sign at the intersection rather than on the site. He stated he would work some more on the language. He noted that that Master Plan Industrial and essential public facilities (i.e. a sewer treatment plant) will require a greater notice process.

Mr. Evander stated the agricultural covenant and notice issue will be brought back to the Planning Commission at the next meeting.

Commissioner Prior referred to page 34 and stated he still did not like the title of 17.40. He suggested "Right to Agriculture, Forestry and Mining." After discussion, Mr. Carter suggested "Right to Engage in Agriculture, Forestry and Mining."

Commissioner Prior referred to page 67, associated with a second dwelling. He asked why the figure 1248 square feet was used. Mr. Evander stated this is not part of the code change. He did not know the reason for 1248 square feet.

Commissioner Prior had some questions about the Airport section. On page 1 the term "above mean sea level" is used. He stated this term is not very meaningful. He asked what type of datum was used, and it should be specified. He did not think it was necessary in this document but he wanted it known that "above mean sea level" is not a specific requirement. Mr. Evander stated based on Commissioner Prior's comment at the last meeting regarding datum, he looked at the code and there was no datum.

Commissioner Prior referred to page 3 where airport zones are mentioned. He thought it should say "visual approach zones" because that is how the map specifies the areas. Page 5 there is a height noted as 1.203 – it should read 1,203. Commissioner Prior stated the slopes and horizontal distances were not accurate. He asked if the height of 350 is important then the horizontal distance needs to be changed to 6800 feet rather than 4000 feet for the Chehalis Airport and the Ed Carlson Memorial Airport. If the 4000 feet is important, then the 350 figure should be changed or eliminated. Mr. Carter stated with the Chehalis Airport (which the County no longer has an interest in) and the Packwood Airport the issue has been the trees. The County worked with the FAA in order to get the trees cut down around the Packwood Airport, which took years because the landowners were not happy about it. The interest of

the FAA between those two factors is the height. Commissioner Prior stated in that case, the code is correct. The code is not clear at the Chehalis Airport. Mr. Carter stated that airport is now owned by the City of Chehalis. Mr. Evander stated he would look into that.

Commissioner Hueffed asked about 17.30.130 and the reference to housing (page 7 of Part 2). He stated the rest of that implies to other things for housing purposes. He understands that farm worker housing is not allowed in the current code. Mr. Evander stated it could be it gets defined but does not get applied anywhere. Where it would be found is on page 21 in 17.30.610 and .620. As part of the Comprehensive Plan update there needs to be a discussion about farm worker housing and the change can't be made in the Code as part of the Comp Plan but there can be a consideration of how that applies to rural character. Housing for workers is part of rural character; it just needs to be defined there. Commissioner Hueffed stated there is another category separate from seasonal orchard housing, etc. that goes on and is not acknowledged. A lot of smaller farms survive with help and making housing an appropriate way to help compensate those individuals is in the public interest. Being remote, housing becomes an obstacle. Mr. Evander stated he is hoping to bring some element of rural character to the next meeting. He asked the Commissioners to hold on to that thought for that conversation.

Mr. Evander stated Ms. Lorie Spogen had spoken to Ms. Napier at the last meeting and in looking at provisions for long and short plats in Title 16 she noticed some of the time limits in turning around permits were getting removed. She wanted to make sure time limits for Community Development permits stayed in the code. What was proposed was adding turn-around time for permits, such as the time frame for issuing a complete application. Some of the actual lengths from State law had not been included in 17.05. Ultimately staff thinks the time limits could fit directly into 17.05 between "Public Hearings" and "Notice of Decision."

Ms. Spogen stated she and her husband has done some developing in Lewis County. They feel that the County wants development and places need to be provided for people to build homes, and it needs to be done in an organized fashion. She appreciates the time that Mr. Evander put into the time line document but she would prefer something that is easy to understand. For example, rather than referring to an RCW, which would require her to go to the RCW, it could say within 20 days or 30 days, with exceptions. In Thurston County their code says "within 28 calendar days after receiving the application, the Department should decide whether the application is complete." That is clear and she does not need to go to the RCW to read it there. She cited more examples in Thurston County code, which is very easy to follow.

Chairman Mahoney stated it would be helpful to have this language in one area and get it uniform. Mr. Evander stated one reason it did not get specific in 17.05.125 proposed language is in case state law should ever change. The time limits can be put in for the individual permits if the Commissioners want to see the code written that way.

Mr. Evander stated 17.40 was sent to the Farm Bureau to get their thoughts on the proposed changes and he is anticipating comments from them. The public hearing on the code revisions will not be on April 12.

Commissioner Prior stated he thought staff was on the right track with the code changes but he was concerned that something would be lost with the significant change. Is there a way that Mr. Evander can make sure something has not been left out? Mr. Carter stated he would go through it again.

#### **5. New Business**

There was no new business.

#### **6. Calendar**

The meeting on March 22, 2016 will include the Shoreline Restoration Plan. Mr. Evander thought the Shoreline Master Program might need to be pushed out some more. Chairman Mahoney wanted to see further discussion on the code revisions.

Mr. Evander stated he will also be bringing updates to the Comprehensive Plan to the up-coming meetings.

#### **7. Good of the Order**

Chairman Mahoney thanked Mr. and Mrs. Spogen for attending the meeting and providing their comments.

#### **8. Adjourn**

There was no other business before the Commissioners. The meeting adjourned at 7:34 p.m.